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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/828,034	
	Filing Date	04/06/2001	
	First Named Inventor	Weidong Zhong	
	Art Unit	1648	
	Examiner Name	Laurie A. Scheiner	
Total Number of Pages in This Submission	12	Attorney Docket Number	IN01165

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Issue Fee (1 Page in duplicate);
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Attachment ( 4 Pages); Post Card
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Michael G. Biro, Reg. No. 46,556
Signature	<i>Michael Biro</i>
Date	06/23/2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Michael G. Biro, Reg. No. 46,556
Signature	<i>Michael Biro</i>
Date	06/23/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 200.00)

**Complete if Known**

Application Number	09/828,034
Filing Date	04/06/2001
First Named Inventor	Weidong Zhong
Examiner Name	Laurie A. Scheiner
Art Unit	1648
Attorney Docket No.	IN01165

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

19-0365

Schering-Plough Corporation

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0.00)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X	<input type="text"/>	<input type="text"/>
Independent Claims	<input type="text"/>	- 3** =	<input type="text"/>	X	<input type="text"/>	<input type="text"/>
Multiple Dependent	<input type="text"/>		<input type="text"/>		<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) 37 C.F.R. 1.18 (E)					200.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 200.00)

**SUBMITTED BY**

Name (Print/Type)	Michael G. Biro	Registration No. (Attorney/Agent)	46,556	Telephone	908-298-5098
Signature	<i>Michael G. Biro</i>	Date	06/23/2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS

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\$ DAE  
IFW

Patent Case: IN01165 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re Application of:	:
WEIDONG ZHONG et al.	:
	:
For:	:
HCV REPLICASE COMPLEXES	:
	:
Application No.: 09/828,034	:
	:
Filed: April 6, 2001	:
-----X	

Date: June 23, 2004

Examiner: Laurie A. Scheiner

Group Art Unit: 1648

Confirmation No.: 6424

Schering-Plough Corporation  
Kenilworth, NJ 07033-0530

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Mail Stop: Petition**

**APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST  
FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED  
IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705)(b)**

Sir:

1. This is a request for reconsideration of the patent term adjustment of 504 days indicated in the Determination of Patent Term Adjustment Under 35 U.S.C. §154(b) that was attached to the March 23, 2004 Notice of Allowance issued in the above-identified application. It is respectfully submitted that applicants be afforded a patent term adjustment of **679** days.

2. In accordance with 37 C.F.R. §1.702, the above-identified application was filed on or after May 29, 2000 and is eligible for patent term adjustment under 35 U.S.C. §154(b).

3. The issue fee is paid concurrently herewith. Thus, this request for reconsideration is filed no later than payment of the issue fee, in accordance with 37 C.F.R. §1.705.

4. Applicants have provided for payment of the fee set forth in 37 C.F.R. §1.18(e), as required by 37 C.F.R. §1.705(b)(1).

5. The statement of facts regarding the correct patent term adjustment, as required by 37 C.F.R. § 1.705 (b)(2), is as follows:

6. Applicants filed the above-identified application on April 6, 2001. The first office action (a restriction requirement) was mailed on October 3, 2003. Therefore, the Office failed to mail a notification under 35 U.S.C. §132 or notice of allowance not later than fourteen months after the application filing date, as required by 37 C.F.R. § 1.702(a)(1), which results in **484** credit days [37 C.F.R. §1.703(a)(1)].

7. Applicants filed a reply to the restriction requirement on November 3, 2003. The Office mailed a notice of allowance on March 23, 2004. Thus, the Office failed to respond to the restriction requirement reply not later than four months after the date on which the reply was filed, as required by 37 C.F.R. §1.702(a)(2), which results in **20** credit days [37 C.F.R. §1.703(a)(2)].

8. According to 37 C.F.R. § 1.702(b), the term of the original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed, which date was April 6, 2004. No time was consumed by continued examination, an interference proceeding, imposition of a secrecy order, review by the Board of Patent Appeals and Interferences or delay in

processing of the application requested by the applicants for the above-identified application [37 C.F.R. §1.702(b)]. Given the projected issue date of the above-identified application is September 28, 2004, applicants are due **175** credit days. If the application issues earlier or later than September 28, 2004, then the exact number of credit days will be fewer or greater, respectively.

9. The sum of these three credit day periods is **679** days. An Analysis Summary Report calculated by commercial software is attached herewith.

10. The patent is not subject to a terminal disclaimer [37 C.F.R. § 1.705(b)(2)(iii)]. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination as set forth in § 1.704 [37 C.F.R. § 1.705(b)(2)(iv)].

11. The fee of \$200.00 set forth in 37 C.F.R. § 1.18(e) and any additional fees may be charged to Deposit Account No. 19-0365. A Fee Transmittal Form is enclosed. Any refund in fees may be credited to the same Deposit Account.

Schering-Plough Corporation  
2000 Galloping Hill Road  
Kenilworth, New Jersey 07033-0530

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Karen E. Brown  
Reg. No. 43,866  
Attorney for Applicants  
(908) 298-2902

Schering-Plough Corporation  
2000 Galloping Hill Road  
Kenilworth, New Jersey 07033-0530

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*Michael G. Biro*  
Michael G. Biro  
Reg. No. 46,556  
Attorney for Applicants  
(908) 298-5098

## Analysis Summary Report

APPLICATION INFORMATION			
Docket Number:	IN01165	Analysis Generated:	04/27/2004 05:01:57 PM ET
Application Number:	09/828,034	User Name:	Blinka, Thomas
Filing Date:	04/06/2001	Firm/Company Name:	Schering-Plough Corporation
Title/Inventors:	HCV REPLICASE COMPLEXES; Weidong Zhong, Laguna Nague, CA	Attorney/Agent Comments:	

AIPA TERM ANALYSIS SUMMARY	
Earliest Referenced Application Date:	04 / 06 / 2001
Filing Date (US National Application):	04 / 06 / 2001
Net Adjustment Credits:	679 Days
Net Adjustment Debits:	0 Days
Net Patent Term Adjustment:	679 Days
AIPA Patent Term End Date:	02 / 14 / 2023 (1)
(1) Assumes payment of all maintenance fees and no intervening acts. Terminal disclaimer(s) filed in this case, if any, may reduce the term. Without adjustment, the term would end on 04/06/2021.	

RULE APPLICATION SUMMARY						
Event	Rule Invoked	Related Event	Excluded Days	Debit Days	Credit Days	
<b>A</b> 04/06/2001 Filing Date under 35 USC 111(a) (US National Application)	<b>14-Month PTO First Action</b>  PTO must mail a notification under 35 USC 132 or a notice of allowance under 35 USC 151 not later than 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 in an international application. Period of adjustment (credits) begins on the day after the date that is 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 and ending on the date of mailing of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(i); 37 CFR 1.702(a)(1), 1.703(a)(1).	<i>First PTO Action:</i>  10/03/2003 Restriction / Election-of-Species	0	0	484	
<b>B</b> 04/06/2001 Filing Date under 35 USC 111(a) (US National Application)	<b>3-Year PTO Issue of Patent</b>  PTO must issue a patent within 3 years (not including exclusions) after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application. Period of adjustment (credits) begins on the day after the date that is 3 years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the listed exclusionary periods. 35 USC 154(b)(1)(B); 37 CFR 1.702(b), 1.703(b).  You have elected to analyze this rule under the PTO Interpretation. Under this interpretation, the last day of the three year period is 04/06/2004. Both interpretations produce the same result.	<i>Issue Date:</i>  09/28/2004 Issue Date	0	0	175	
<b>C</b> 06/04/2001 Notice to File Missing Parts (nonprovisional application)	<b>3-Month Applicant Response to Notice or Action</b>  Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).  Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).  You have indicated that no 1.705(c) Showing of Due Care was made.	<i>Applicant Response:</i>  07/23/2001 Response to Notice to File Missing Parts	0	0	0	

<p><b>D</b></p> <p>10/03/2003 Restriction / Election-of-Species</p>	<p><b><u>3-Month Applicant Response to Notice or Action</u></b></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>11/03/2003 Response to Election-of-Species / Restriction Filed</p>	<p>0</p>	<p>0</p>	<p>0</p>
<p><b>E</b></p> <p>11/03/2003 Response to Election-of-Species / Restriction Filed</p>	<p><b><u>4-Month PTO Response to Applicant Reply</u></b></p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2), (3).</p>	<p><i>PTO Response:</i></p> <p>03/23/2004 Notice of Allowance under 35 USC 151</p>	<p>0</p>	<p>0</p>	<p>20</p>
<p><b>F</b></p> <p>03/23/2004 Notice of Allowance under 35 USC 151</p>	<p><b><u>3-Month Applicant Response to Notice or Action</u></b></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>06/23/2004 Issue Fee Payment under 35 USC 151</p>	<p>0</p>	<p>0</p>	<p>0</p>
<p><b>G</b></p> <p>06/23/2004 Issue Fee Payment under 35 USC 151</p>	<p><b><u>4-Month PTO Issue of Patent</u></b></p> <p>PTO must issue a patent not later than 4 months after the date on which the issue fee was paid under 35 USC 151 and all outstanding requirements were satisfied. The period of adjustment (credits) begins on the day after the date that is 4 months after the date the issue fee was paid and all outstanding requirements were satisfied and ends on the day the patent issues. 35 USC 154(b)(1)(A)(iv); 37 CFR 1.702(a)(4), 1.703(a)(6).</p>	<p><i>Issue Date:</i></p> <p>09/28/2004 Issue Date</p>	<p>0</p>	<p>0</p>	<p>0</p>
<p>Total Exclusion, Debit, and Credit Days</p>					
			<p>0</p>	<p>0</p>	<p>679</p>



Overlap Days		0	0	0	0
Net Exclusion, Debit, and Credit Days		0	0	0	679
Net Patent Term Adjustment Days					679
<p>The term of this patent ends on 02/14/2023 (2)</p> <p>(2) Assumes payment of all maintenance fees and no intervening acts. Terminal disclaimer(s) filed in this case, if any, may reduce the term. Without adjustment, the term would end on 04/06/2021.</p>					